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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.
11

12 AUBREY TAYLOR,

13 Defendant.
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Case No. CR16-0300RSL

ORDER GRANTING
MOTION TO CONTINUE
TRIAL DATE AND
PRETRIAL MOTIONS
DEADLINE

15 This matter comes before the Court on the defendant's unopposed "Motion
16 for Order Continuing Pretrial Motions Due Date and Trial Date." Dkt. #157. Having
17 considered the facts set forth in the motion, and the defendant's knowing and voluntary
18 waiver, the Court finds as follows:

19 1. The Court adopts the facts set forth in the unopposed motion; specifically,
20 that defense counsel has determined that it is necessary to hire an outside forensic expert
21 to conduct an independent forensic review of three digital devices seized during the
22 course of the investigation, and that the government has agreed to make physical images
23 of these devices available for the review. The Court accordingly finds that a failure to
24 grant a continuance would deny counsel, and any potential future counsel, the reasonable
25 time necessary for effective preparation, taking into account the exercise of due diligence,
within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

1 2. The Court finds that a failure to grant a continuance would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3 3. The Court finds that the additional time requested between October 29,
4 2018, and the proposed trial date of February 19, 2019 is a reasonable period of delay, as
5 defense counsel needs additional time to have an independent forensic examination
6 conducted and to review and synthesize the results of the investigation; and that this
7 additional time is necessary to provide defense counsel reasonable time to prepare for
8 trial, considering all of the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of
10 justice, and that these factors outweigh the best interests of the public and the defendant
11 in a more speedy trial, within the meaning of 18 U.S.C. § 3161(H)(7)(A).

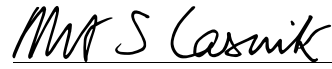
12 5. Defendant has signed a waiver indicating that he has been advised of his
13 right to a speedy trial and that, after consulting with counsel, he has knowingly and
14 voluntarily waived that right and consented to the continuation of his trial to a date up to
15 and including March 8, 2019, Dkt. #158, which will permit trial to start on February 19,
16 2019, per defense counsel's request.

17 IT IS HEREBY ORDERED that the trial date be continued from October 29,
18 2018, to February 19, 2019.

19 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to
20 January 8, 2019.

21 IT IS FURTHER ORDERED that the period of time from the current trial date of
22 October 29, 2018, up to and including March 8, 2019, shall be excludable time pursuant
23 to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the
24 filing and granting of this motion is excluded for speedy trial purposes pursuant to 18
25 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

1 DATED this 20th day of September, 2018.

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4 Robert S. Lasnik
5 United States District Judge
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